



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 19, 2003

David Wanstrom
Big Lost River Irrigation District
P.O. Box 205
Mackay, ID 83251

Dear Mr. Wanstrom:

We have reviewed your letter dated May 6, 2003 with the Department's Adjudication Bureau and concur that the Big Lost River Irrigation District's rights to divert water to storage in Mackay Reservoir are not administered separately from surface water rights diverted upstream of Mackay Reservoir, even when provision 6a or 6b is in effect.

Junior surface water rights upstream of Mackay Reservoir will be curtailed to deliver water according to the Irrigation District's rights. Water allocated to the Irrigation District's storage rights while provision 6a or 6b is in effect is not available to downstream natural flow rights, regardless of their priority dates, because they are administered separately from the rights diverted upstream of the reservoir.

The Irrigation District's water rights are included in the Department's Big Lost Water Right Accounting program and the Watermaster will be instructed to deliver them according to their priority dates and annual volume limits.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Berkey". The signature is written in dark ink and is positioned above the printed name and title.

Jennifer Berkey
Water Distribution

cc: Robert Duke, Watermaster, Water District 34
Young Harvey Walker